

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF PESTICIDE REGULATION
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

BUG WISER; JUAN JIMENEZ
OWNER/QUALIFYING MANAGER
13608 Dunrobin Avenue
Bellflower, CA 90706
Company Registration Certificate
No. PR 3191

and

JUAN JIMENEZ

13608 Dunrobin Avenue
Bellflower, CA 90706
Operator's License No. OPR 9791

Respondent.

Case No. 2012-38


OAH No. 2012040784

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Pesticide Regulation, as its Decision in this matter.

This Decision shall become effective on May 30, 2013.

It is so ORDERED April 30, 2013.



FOR THE STRUCTURAL PEST CONTROL
BOARD
DEPARTMENT OF PESTICIDE REGULATION

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
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Attorneys for Complainant

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF PESTICIDE REGULATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **BUG WISER; JUAN JIMENEZ**
14 **OWNER/QUALIFYING MANAGER**
15 13608 Dunrobin Avenue
Bellflower, CA 90706
16 **Company Registration Certificate**
No. PR 3191
17 **Branch Office Certificate No. 4993**

18 and

19 **JUAN JIMENEZ**
351 Greenberry Drive
20 La Puente, CA 91744
Operator's License No. OPR 9791

Respondent.

Case No. 2012-38

OAH No. 2012040784

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

21 *IT IS HEREBY STIPULATED AND AGREED* by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. William H. Douglas (Complainant) was the Interim Registrar/Executive Officer of
25 the Structural Pest Control Board, Department of Pesticide Regulation. He brought this action
26 solely in his official capacity. The Board is represented in this matter by Kamala D. Harris,
27 Attorney General of the State of California, by Desiree Tulleners, Deputy Attorney General.

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2. Respondent Bug Wiser and Juan Jimenez (by and through Juan Jimenez) is representing himself in this proceeding and have chosen not to exercise his right to be represented by counsel.

3. On or about December 10, 1997, the Structural Pest Control Board issued Company Registration Certificate No. PR 3191 to Bug Wiser, with Juan Jimenez as owner and qualifying manager (Respondent Jimenez).

4. On or about November 24, 1997, the Structural Pest Control Board issued Operator's License No. OPR 9791 to Juan Jimenez (Respondent Jimenez). The Operator's License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-38, but expired on June 30, 2012.

JURISDICTION

5. Accusation No. 2012-38 was filed before the Structural Pest Control Board (Board), Department of Pesticide Regulation, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 16, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

6. A copy of Accusation No. 2012-38 is attached as Exhibit A, and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-38. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-38.

11. Respondent agrees that his Company Registration Certificate and his Operator's License are subject to discipline, and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondent understands and agrees that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Company Registration Certificate No. PR 3191 and Operator's License No. OPR 9791 issued to Respondent Juan Jimenez are revoked. However, the revocations are stayed, and Respondent's Company Registration Certificate and Operator's License are placed on probation for three (3) years on the following terms and conditions.

1. **Actual Suspension.** Before the effective date of the Decision and Order adopting this stipulation, Respondent shall pay to the Board the sum of \$1,000 by certified funds. This amount constitutes the balance owed to the Board for the \$4,000 fine contained in Citation No. CF 10-78, as set forth in paragraph 18 on page 7 in the First Cause for Discipline of the Accusation. In addition, before the effective date of the Decision and Order adopting this stipulation, Respondent shall comply with the order of abatement contained in Citation No. CF 10-78, as set forth in paragraph 18 on page 7 in the First Cause for Discipline in the Accusation, by filing with the Board all WDOs for the addresses of 329 properties where work was performed between August 7, 2008 and April 8, 2011.

If Respondent fails to comply with payment of the balance of the fine and filing of all WDOs as set forth above before the effective date of the Decision and Order adopting this stipulation then Company Registration Certificate No. PR 3191 and Operator's License No. OPR 9791 issued to Respondent Juan Jimenez shall be suspended from the practice of structural pest control until Respondent provides satisfactory proof to the Board of the completion of these two items.

2. **Obey All Laws.** Respondent shall obey all federal, state and local laws, and all laws and rules relating to the practice of structural pest control.

3. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during the period of probation.

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1 4. **Tolling of Probation.** Should Respondent leave California to reside outside this
2 state, Respondent must notify the Board in writing of the dates of departure and return. Periods
3 of residency or practice outside the state shall not apply to reduction of the probationary period.

4 5. **Notice to Employers.** Respondent shall notify all present and prospective
5 employers of the Decision and Order in Accusation Case no. 2012-38, and the terms, conditions
6 and restriction imposed on Respondent by said decision.

7 Within 30 days of the effective date of this decision, and within 15 days of Respondent
8 undertaking new employment, Respondent shall cause his/her employer to report to the Board in
9 writing acknowledging the employer has read the decision in Case No. 2012-38.

10 6. **Notice to Employees.** Respondent shall, upon or before the effective date of this
11 decision, post or circulate a notice to all employees involved in structural pest control operations
12 which accurately recite the terms and conditions of probation. Respondent shall be responsible
13 for said notice being immediately available to said employees. "Employees" as used in this
14 provision includes all full-time, part-time, temporary and relief employees and independent
15 contractors employed or hired at any time during probation.

16 7. **Posted Notice of Suspension.** Respondent structural pest control company shall
17 prominently post a suspension notice provided by the Board of the Board's order of suspension at
18 its principal office and each of its branch offices in a place conspicuous and readable to the
19 public. Said notice shall remain so posted during the entire period of actual suspension.

20 8. **Costs Reimbursement.** Respondent shall pay to the Board, pursuant to Business
21 and Professions Code section 125.3, the cost of investigation and enforcement in this matter in the
22 amount of \$3,123.26. Respondent shall be permitted to pay these costs pursuant to a payment
23 plan approved by the Board. Probation shall not be terminated until all costs are paid in full.
24 Failure to make a timely payment according to the payment schedule, and/or failure to complete
25 payment of costs recovery, shall constitute a violation of probation, which may subject
26 Respondent's licenses to outright revocation.

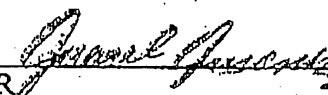
27 9. **Completion of Probation.** Upon successful completion of probation,
28 Respondent's license/certificate will be fully restored.

1 10. **Violation of Probation.** Should Respondent violate probation in any respect, the
2 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
3 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
4 Respondent during probation, the Board shall have continuing jurisdiction until the matter is final,
5 and the period of probation shall be extended until the matter is final.

6 **ACCEPTANCE**

7 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
8 stipulation and the effect it will have on my Company Registration Certificate and Operator's
9 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
10 and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control
11 Board.

12
13 DATED: 11-1-12


14 BUG WISER
15 JUAN JIMENEZ
16 Respondent

17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Structural Pest Control Board of the Department of Pesticide
20 Regulation.

21 Dated:

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 GREGORY J. SALUTE
25 Supervising Deputy Attorney General

26 DESIREE TULLENERS
27 Deputy Attorney General
28 Attorneys for Complainant

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11 Board.

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13 DATED: _____

BUG WISER
JUAN JIMENEZ
Respondent

16 **ENDORSEMENT**

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Structural Pest Control Board of the Department of Pesticide
19 Regulation.
20

21 Dated: *November 1, 2012*

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 GREGORY J. SALUTE
25 Supervising Deputy Attorney General

26 *Desiree Tulleners*

27 DESIREE TULLENERS
28 Deputy Attorney General
 Attorneys for Complainant